

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
EASTERN <sup>RECEIVED</sup> DEC 8 2005  
2005 DECEMBER 8 2005

DEB. U.S. DISTRICT COURT  
MID. DIST. OF ALABAMA  
CHRISTOPHER C. McCULLOUGH, # 174909

PLAINTIFF,

v.

CHAMBERS COUNTY SHERIFF'S DEPARTMENT ON  
WHICH SGT. JOHN CARMICHAEL IS EMPLOYED,  
MAJOR CLAY STEWART OF THE CHAMBERS  
COUNTY DETENTION FACILITY,

DEFENDANTS

CRUEL AND UNUSUAL PUNISHMENT, UNNECESSARY  
USE OF FORCE AND ASSAULT 1ST DEGREE

COMES NOW THE PLAINTIFF CHRISTOPHER C.  
McCULLOUGH BRINGS ABOUT CIVIL ACTIONS AGAINST  
THE ABOVE NAMED DEFENDANTS FOR VIOLATING HIS  
CONSTITUTIONAL RIGHTS TO LEGAL PROCEDURES OF  
COURT PROCEEDINGS.

THIS CIVIL SUIT GOES AS FOLLOWS: ON NOVEMBER 11, 2005  
ALMOST 8:00 AM, MR. McCULLOUGH ACKNOWLEDGED HIS  
WAIVER OF RIGHT TO BE PRESENT AT SENTENCING TO  
SEVERAL CORRECTIONAL OFFICERS OF THE CHAMBERS COUNTY  
CORRECTIONAL FACILITY. IT STARTED WITH COI MALLARD  
WHO CAME TO GET MR. CHRISTOPHER McCULLOUGH  
FOR SENTENCING. MR. McCULLOUGH DID ENLIGHTEN  
COI MALLARD OF HIS RIGHT TO WAIVE HIS PRESENCE

AT SENTENCING. SO COI MALLARD AND THE PLAINTIFF  
 CHRISTOPHER McCULLOUGH TALKED ABOUT 2 TO 3 MINUTES  
 BEFORE HE TOLD HIS SUPERVISERS. WHEN HE TOLD  
 SGT. LISA DAVIDSON OF THE SITUATION SHE ALSO INSTRUCTED  
 MR. CHRISTOPHER McCULLOUGH TO GET DRESS TO GO TO  
 SENTENCING. MR. McCULLOUGH ENLIGHTEN HER AS WELL  
 OF HIS RIGHT TO WAIVE HIS PRESENCE AT SENTENCING  
 SO SHE TOLD LT. KEISHIA EVERETT WHO JUST GOT  
MARRIED RECENTLY SO HER<sup>NAME</sup> COULD BE MRS. KEISHIA  
 McCoy NOW. SO SHE ALSO INSTRUCTED ME TO GET  
 DRESS AND MR. McCULLOUGH ONCE AGAIN ENLIGHTENED  
 YET ANOTHER OFFICER OF HIS RIGHT TO WAIVE HIS  
 PRESENCE AT SENTENCING BUT THE LT. KEISHIA EVERETT  
 DID NOT ACCEPT MY WAIVER OF PRESENCE EITHER.  
 THE OTHER OFFICER WHO WAS PRESENT WAS COI Hancock  
 BUT HE NEVER SAID ANYTHING TO ME, HE JUST WAS  
 STANDING THERE WATCHING EVERYTHING.  
 SO THE MAJOR OF THE CHAMBERS COUNTY DETENTION  
 FACILITY CLAY STEWART CAME TO G-BLOCK ON WHICH  
 ALL OF THIS OCCURRED SO WHEN I SAW HIM WALK  
 INTO THE BLOCK I STARTED EXPLAINING TO HIM  
 ABOUT THE SITUATION AND MY RIGHT TO WAIVE  
 MY PRESENCE AT SENTENCING. AROUND THIS TIME  
 SGT. JOHN CARMICHAEL OF THE CHAMBERS COUNTY  
 SHERIFF DEPARTMENT WALKED IN G-BLOCK WITH A  
 TASER GUN. WHEN HE WALKED IN HE STATED (QUOTE UNQUOTE)  
 (WHERE IS HE AT, DON'T NOBODY REFUSE TO GO TO COURT  
 AROUND HERE!) SO THEY TOLD ALL THE REST OF THE

INMATES TO GO TO THEIR CELLS. SO AFTER EVERYONE  
WENT TO THEIR CELLS SGT. JOHN CARMICHAEL SAID  
I AM GOING TO GIVE YOU ONE WARNING. AND I  
STATED TO HIM THAT THE LAW STATES THAT I DON'T  
HAVE TO GO TO SENTENCING IF I DON'T WANT TO IT  
IS IN THE LAW BOOK. THEN HE PROCEEDED TO COME  
UP THE STAIRS IN FRONT OF #3 CELL ON WHICH I  
WAS HOUSED. ANOTHER MAJOR CLAY STEWART STATED  
(QUOTE-UNQUOTE) (SHOOT HIM!)

THE NEXT THING I KNEW I WAS STANDING IN FRONT  
OF MY CELL WITH BOXERS ON AND MY STATE BOOTS AND  
SGT. JOHN CARMICHAEL SHOT ME WITH THE TASER GUN.  
AS HE SHOT ME I STOOD UP MOMENTARILY, THEN I  
STARTED SHAKING ALL OVER, AND SUDDENLY MY BODY WENT  
NUMB AND I FELL FACE FIRST ON THE CONCRETE  
AND WHY I WAS YELLING OUT TO SGT. JOHN  
CARMICHAEL KEPT SQUEEZING THE TRIGGER TELLING  
ME SAYING ARE YOU GOING TO GO TO COURT NOW!  
THE PAIN WAS EXCRUCIATING I FELT COMPLETE  
PAIN ALL OVER MY BODY, MY HEART BEATING EXTREMELY  
FAST, AND AFTERWARDS MY BODY WAS NUMB. I COULD  
NOT EVEN GET UP OFF THE FLOOR. LT. KEISHA EVERETT  
HAD TO PICK ME UP OFF THE FLOOR AND WHEN I  
DID REALIZE WHAT WAS GOING ON I SAW A NEEDLE  
LIKE OBJECT STUCK IN MY LEFT ARM ON WHICH ONE  
OF THE OFFICERS HAD TO SEARCH IT OUT ON WHICH IT  
LEFT A HOLE IN MY ARM WHICH LATER HEALED UP.  
THIS IS THE 2ND OF NOVEMBER 2005 ON WHICH THE  
OFFICER

CHAMBERS COUNTY SHERIFF DEPARTMENT TRANSPORTED ME BACK TO THE PERSON WHICH I HAD CAME TO COURT FROM W.E. DANALDSON. THE TRANSPORT OFFICERS WERE SHANNON ROLLINS OF THE CHAMBERS COUNTY SHERIFFS DEPARTMENT AND LT. KEISHIA LEVERETT OF THE CHAMBERS COUNTY DETENTION FACILITY.

FACT FOR CIVIL ACTION

RULES OF CRIMINAL PROCEDURE (RULE 26.7)

PRESSENCE OF THE DEFENDANT

THE DEFENDANT HAS THE RIGHT TO BE PRESENT AT THE SENTENCE HEARING AND AT SENTENCING. FAILURE OF THE DEFENDANT TO APPEAR AT THE HEARING OR FOR SENTENCING WILL NOT DELAY THE PRONOUNCEMENT AND ENTRY OF JUDGEMENT AND SENTENCE IF THE DEFENDANT'S RIGHT TO BE PRESENT HAS BEEN WAIVED, EITHER IN WRITING OR BY THE DEFENDANT'S NON APPEARANCE AFTER NOTICE OF THE TIME, DATE, AND PLACE OF THE SENTENCE HEARING OR SENTENCING.

THIS RULE SPECIFICALLY STATES THATS IT IS MY CHOICE IF I WANT TO BE PRESENT OR NOT. THEREFORE THIS CIVIL ACTIONS TAKEN AGAINST THE CHAMBERS COUNTY OFFICIALS HAS COMPLETE MERIT.

I AM SUEING FOR 100,000,000.00 ONE HUNDRED MILLION DOLLARS FOR PAIN AND SUFFERING AND PUNITIVE DAMAGES AND ADDITIONAL TO THIS CIVIL ACTION THE PLAINTIFF ALSO INCLUDES THE FOLLOWING:

.....

- ① THAT THE PLAINTIFF CHRISTOPHER C. McCULLOUGH, THE DEFENDANTS MAJOR CLAY STEWART, AND SGT. JOHN CARMICHAEL ALONG WITH THE FOLLOWING NAMED OFFICERS LT. KEISHIA LEVERETT, SGT. LISA DAVIDSON, COI MALLARD, & COI HANCOCK ALL TAKE A POLYGRAPH TEST TO DETERMINE THE TRUTHFULNESS TO THESE ALLEGATIONS THAT I HAVE BROUGHT FORTH AGAINST THEM.
- ② THAT CRIMINAL CHARGES BE FILED AGAINST MAJOR CLAY STEWART AND SGT. JOHN CARMICHAEL FOR ASSAULT 1<sup>ST</sup> DEGREE AND UNNECESSARY USE OF FORCE
- ③ THE PLAINTIFF CHRISTOPHER McCULLOUGH ALSO MOVES THIS HONORABLE COURT FOR A FAST AND SPEEDY TRIAL

CERTIFICATE OF SERVICE

I THE PLAINTIFF DO HEREBY BY, THAT I HAVE SENT A COPY OF THIS CIVIL ACTION TO THE CLERK FOR THE MIDDLE DISTRICT OF ALABAMA ON WHICH UP UNDER OATH I SWEAR THAT ALL OF THE ABOVE IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF

Done BEFORE ME THIS THE 6<sup>th</sup> DAY OF Dec 2005

By Wallace A. Peter 10/20/08  
NOTARY PUBLIC My commission expires  
Christopher McCullough  
Plaintiff in this case

MR. (R)